

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and
SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

v.

ANDREW J. BRUCK, *Acting Attorney General
of New Jersey, in his official and individual
capacities, et al.*,

Defendants.

ORDER

Before the Court are Plaintiffs Defense Distributed and Second Amendment Foundation’s (together, “Plaintiffs”) Motion for Preliminary Injunction, (Dkt. 174), and Motion to Grant as Unopposed or Set a Hearing, (Dkt. 175).

On April 1, 2022, the judgment and mandate of the Fifth Circuit was entered in this matter. (Dkt. 171). In its order, the Fifth Circuit determined that a portion of this case was improperly severed and transferred to the District of New Jersey. (*Id.* 4). The Court directed the undersigned to “request retransfer from its counterpart in New Jersey.” (*Id.* at 4). The undersigned did so by notice filed on April 13, 2022. (Dkt. 172). As of the date of this order, the case has not been retransferred to this Court. Accordingly, the New Jersey Attorney General is not currently a party to this case.

Given the unusual procedural posture of this case, the Court remains mindful of the limits on its jurisdiction. (*See* Dkt. 171, at 8 (“[The Fifth Circuit] lacks power to order a return of the case to our circuit.”); *see also In re Red Barn Motors, Inc.*, 794 F.3d 481, 484 (5th Cir. 2015) (“It seems uncontroversial in this situation that a transfer to another circuit removes the case from our jurisdiction.”)). Absent contrary authority, the Court understands that it lacks jurisdiction to consider

claims against the New Jersey Attorney General in this matter. Having no power to adjudicate these motions, the Court must dismiss them.

Accordingly, **IT IS ORDERED** that Plaintiffs' Motions for Preliminary Injunction, (Dkt. 174), and to Grant as Unopposed or Set a Hearing, (Dkt. 175), are **DISMISSED**.

SIGNED on July 22, 2022.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE